

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

001560-396

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5)

To be assigned

09/807541

INTERNATIONAL APPLICATION NO.  
PCT/JP00/05425INTERNATIONAL FILING DATE  
11 August 2000PRIORITY DATE CLAIMED  
13 August 1999

## TITLE OF INVENTION

**MICROORGANISMS THAT EXTRACELLULARLY SECRETE LIPIDS AND METHODS OF PRODUCING LIPID AND LIPID VESICLES ENCAPSULATING LIPIDS USING SAID MICROORGANISMS**

## APPLICANT(S) FOR DO/EO/US

**Kengo AKIMOTO, Hiroshi KAWASHIMA, and Sakayu SHIMIZU**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and the PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☒ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11. to 16. below concern other document(s) or information included:**

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.  
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information:

PCT Notice Informing Applicant of the Communication of the International Application to the Designated Offices (Form PCT/IB/308)

Cover page from published PCT application (WO 01/12780)

JP PCT Request Form

Translations of Receipt in the Case of an Original Deposit (dated Dec. 22, 1986 and Aug. 11, 2000)

U.S. APPLICATION NO. (if known / see 37 CFR 1.53)

To be assigned

09/87541

INTERNATIONAL APPLICATION NO.

PCT/JP00/05425

ATTORNEY'S DOCKET NUMBER

001560-396

17. ☒ The following fees are submitted:

CALCULATIONS

PTO USE ONLY

**Basic National Fee (37 CFR 1.492(a)(1)-(5)):**

Neither international preliminary examination fee (37 CFR 1.482)  
nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO  
and International Search Report not prepared by the EPO or JPO ..... \$1,000.00 (960)

International preliminary examination fee (37 CFR 1.482) not paid to  
USPTO but International Search Report prepared by the EPO or JPO ..... \$860.00 (970)

International preliminary examination fee (37 CFR 1.482) not paid to USPTO  
but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$710.00 (958)

International preliminary examination fee paid to USPTO (37 CFR 1.482)  
but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$690.00 (956)

International preliminary examination fee paid to USPTO (37 CFR 1.482)  
and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$100.00 (962)

**ENTER APPROPRIATE BASIC FEE AMOUNT =**

\$ 860.00

Surcharge of \$130.00 (154) for furnishing the oath or declaration later than  
months from the earliest claimed priority date (37 CFR 1.492(e)).

20 ☐ 30 ☐

\$

Claims

Number Filed

Number Extra

Rate

Total Claims

79 - 20 =

59

X\$18.00 (966)

\$ 1,062.00

Independent Claims

9 - 3 =

6

X\$80.00 (964)

\$ 480.00

Multiple dependent claim(s) (if applicable)

+ \$270.00 (968)

\$

**TOTAL OF ABOVE CALCULATIONS =**

\$ 2,402.00

Reduction for 1/2 for filing by small entity, if applicable (see below).

\$

**SUBTOTAL =**

\$ 2,402.00

Processing fee of \$130.00 (156) for furnishing the English translation later than  
months from the earliest claimed priority date (37 CFR 1.492(f)).

20 ☐ 30 ☐

\$

+

**TOTAL NATIONAL FEE =**

\$ 2,402.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by  
an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 (581) per property +

\$ 40.00

**TOTAL FEES ENCLOSED =**

\$ 2,442.00

Amount to be:  
refunded

\$

charged

\$

- a. ☐ Small entity status is hereby claimed.
- b. ☐ A check in the amount of \$\_\_\_\_\_ to cover the above fees is enclosed.
- c. ☒ Please charge my Deposit Account No. 02-4800 in the amount of \$ 2,442.00 to cover the above fees. A duplicate copy of this sheet is enclosed.
- d. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 02-4800. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Ronald L. Grudziecki  
BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

SIGNATURE

Donna M. Meuth

NAME

April 13, 2001

36,607

REGISTRATION NUMBER

## DEPOSITOR

Name SUNTORY LIMITED

Representative Kaizo Saji

Address 1-40, Dojimahama 2-chome,  
Kita-ku, Osaka-shi, OsakaBUDAPEST TREATY N THE INTERNATIONAL  
RECOGNITION OF THE DEPOSIT OF  
MICROORGANISMS FOR THE PURPOSES OF  
PATENT PROCEDURERECEIPT IN THE CASE OF AN ORIGINAL  
DEPOSITissued pursuant to Rule 7.1 by the  
INTERNATIONAL DEPOSITARY AUTHORITY  
identified at the bottom of this  
page.

## I. IDENTIFICATION OF THE MICROORGANISM

Identification reference given by the

(Deposition Number)

DEPOSITOR: Mortierella elongata SAM 0219

FERM BP-1239

## II. SCIENTIFIC DESCRIPTION AND/OR TAXONOMIC DESIGNATION

The microorganism identified under I above was accompanied by:

- x a scientific description
- x a proposed taxonomic designation

(Mark with a cross where applicable)

## III. RECEIPT AND ACCEPTANCE

This International Depositary Authority accepts the  
microorganism identified under I above, which was received by it on  
March 19, 1986 (Date of the original deposit). (Transferred from FERM  
P-8703 deposited on March 19, 1986)

## IV. INTERNATIONAL DEPOSITARY AUTHORITY

Fermentation Research Institute

Agency of Industrial Science and Technology

Director General Akio Sato

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1-3, Higashi 1 chome, Tsukuba-shi,  
Ibaraki-ken, 305, Japan

December 22, 1986

## DEPOSITOR

Name: SUNTORY LIMITED

Representative: Shinichiro Torii

Address: 1-40, Dojimahama 2-chome,  
Kita-ku, Osaka-shi, OsakaBUDAPEST TREATY ON THE INTERNATIONAL  
RECOGNITION OF THE DEPOSIT OF  
MICROORGANISMS FOR THE PURPOSES OF  
PATENT PROCEDURERECEIPT IN THE CASE OF AN ORIGINAL  
DEPOSITissued pursuant to Rule 7.1 by the  
INTERNATIONAL DEPOSITARY AUTHORITY  
identified at the bottom of this page.

## I. IDENTIFICATION OF THE MICROORGANISM

Identification reference given by the  
DEPOSITOR: *Mortierella alpina* SAM 2241

(Deposition Number)

FERM BP-7272

## II. SCIENTIFIC DESCRIPTION AND/OR TAXONOMIC DESIGNATION

The microorganism identified under I above was accompanied by:

a scientific description

X

a proposed taxonomic designation

(Mark with a cross where applicable)

## III. RECEIPT AND ACCEPTANCE

This International Depositary Authority accepts the  
microorganisms identified under I above, which was received by it on  
August 11, 2000 (Date of the original deposit)<sup>1</sup>.

## IV. RECEIPT OF TRANSFER

This International Depositary Authority accepted the  
microorganisms identified under I above, on (Date of the  
original deposit), and accepted a request for transfer to a deposition  
under Budapest treaty from the original deposition, on  
(Transferred from FERM P- deposited on . )

## V. INTERNATIONAL DEPOSITARY AUTHORITY

National Institute of Science and Human-Technology

Agency of Industrial Science and Technology

Director General Shinichi Ohashi

1- 3, Higashi 1 chome, Tsukuba-shi,  
Ibaraki-ken, 305-8566, Japan

August 11, 2000